

Newstead Town Board Meeting- December 13, 2004

A Public Hearing was called to order by the Newstead Town Board on Monday, December 13, 2004 at the Newstead Town Hall at 7:45pm.

Present: Gerald F. Summe, Supervisor
Tom George- Councilman
Joan Glor- Councilwoman
Harold L. Finger- Councilman
Scott Chaffee- Councilman
Jim Ebersole- Highway Supt.
Andrew Casolini- Town Engineer
Nathan Neill- Town Attorney
Dawn Izydorzak- Town Clerk
Kathleen McLeod Lang- Deputy Town Clerk

Roll Call was taken with all board members present as above.

Supervisor Summe called the public hearing on the proposed Local Law No. 5 of 2004 amending the sign law to order and explained the reason for the sign law amendments.

The Clerk read the proof of publication.

Comments: No one spoke

There being no further discussion a motion was made by Councilwoman Glor, seconded by Councilman George to close the public hearing on Local Law No. 5 of 2004 at 7:54PM

Highway Superintendent James Ebersole led the pledge to the flag.

A regular meeting of the Town Board was called to order at 8:00 PM with all the same members present as above.

Minutes from the previous regular board meeting held on November 22, 2004 and the special meeting held on November 29, 2004 were presented for approval. A motion was made by Councilman Finger, seconded Councilman Chaffee to approve as presented.

Carried Unanimously

Communications – The Town Clerk presented the following:

The Quarterly Report from Rural/Metro Medical Services was received for July- September 2004. The Akron Fire Co. received 58 transports, 91 cancels for a total of 149 calls. The Newstead Fire Co. received 47 transports, 74 cancels for a total of 121 calls.

A fax transmission from Amherst Central Alarm Office reporting the fire/EMS calls for November 2004 for Akron Fire Co.- 37 and Newstead Fire Co.- 19.

The Tariff Amendments for 2005 were received from the Erie County Water Authority.

A motion was made by Councilman George, seconded by Councilwoman Glor to receive and file correspondence as presented.

Carried Unanimously

Work Session: Supervisor Summe reported that no work session was held on December 6, 2004 due to the annual Safety Meeting.

Privilege of the Floor –

Pam Domin, 5271 Crittenden Road, explained she is representing the Woodcutters business and questioned the recent fire inspections and whether this is an annual requirement and is a fee necessary? She wanted to know how was the fee based and stated she feels this is not a cost of doing

business and should be a service. She also questioned what the difference is between a small business and a residence with regards to fire inspections.

State Representative William R. Pippine, Regional Engineer Building Codes Division addressed this issue. He stated fire inspections are required by New York State law and are required annually for buildings used for Public Assembly of 50 or more people. Intervals for commercial properties are set by local requirement and should be annually, but must be a minimum of every 3 years. Examples of public assembly would be restaurants or churches where seating allows 50 people or more and in high hazardous occupancy buildings, which should be annual inspections.

The supervisor explained that private inspections by a viable, certified firm can be accepted, but the average cost from these firms is \$250.00. The town would have to be provided with a copy of the certified inspection for their records. The fees that were assessed are set by time spent inspecting the commercial business or place of assembly and the time spent recording the paperwork from the inspections.

Robert Scheib, 51 Brooklyn Street, thanked the Town Board for the good news regarding the tire pile clean up on Main Road at Antique World. It has been since 1995 he has campaigned to have this problem cleaned up. He is glad to see it is finally going to be done in the spring. The Supervisor thanked Bob for all his efforts over the last 9 years.

Approval of Bills -Councilwoman Glor reported that the Abstract from Batch #339 & 340 from the November 22, 2004 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. She presented Abstract Batch #341, 342 & 343. Vouchers on these abstracts numbered 1293-1308, 1309-1314, and 1315-1367 totaling \$252,066.88 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 341, 342 & 343:

General Fund (A) -\$26,575.57, Fund (B) \$251.02, Highway (DA) -\$0, Highway: Outside Village (DB) \$474.75, Capital Projects- CAP-Senior Center (HF)- \$0, CAP- Library Fund (HE)-\$0, CAP-WD#10 (HI)- \$48,263.94, CAP- Town Hall (HK)- \$107,177.26, Fire Protection (SF) \$42,488.73, Refuse (SR) \$19,171.62, Sewer Fund (SS) \$0, Sewer District #2 (SS02)- \$0, and Water Districts (SW1) \$37.50, (SW2) \$85.41, (SW3) \$75.00, (SW4) \$108.70, (SW5) \$2,336.97, (SW6) \$295.04, (SW7) \$4,562.31, (SW7A) \$46.59, (SW8) \$31.06, (SW9) \$85.41, (SW10) \$0, Trust & Agency (TA) \$0, Totaling \$252,066.88
Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –In 2003 there had been 10 snow events and 84 overtime hours as of this date. In 2004 there has only been 4 snow events and only 36 overtime hours.

Highway Superintendent James Ebersole announced his retirement to the Town Board effective January 28, 2005.

Assessor –Not present

Building Office –the following building report was presented by the Building Administrator Christine Falkowski:

Bonnie Davis	11054 Howe Rd	Pipe Permit
Charles McConnaughey	13008 Main	Sign Permit
NOCO Energy	13613 Main	Lean-to Addition

A motion was made by Councilwoman Glor, seconded by Councilman Chaffee to accept and approve the Building Report and Zoning report as presented.

Carried Unanimously

Town Clerk- Dog Control Officers November 2004 report was presented.

Attorney for the Town –Nothing at this time

COUNCILPERSONS

Chaffee –Nothing at this time

George –Nothing at this time

Glor –Nothing at this time

Finger-Nothing at this time

SUPERVISOR –The October 2004 Supervisors Report is on file with the Town Clerk for inspection.

UNFINISHED BUSINESS

Water District #10/Water Tank- The financials to be completed for next meeting. We need to discuss design for water tank and security issues.

Town Wide Drainage-We are moving forward after January 1, 2005 and working on Negative Declaration and SEQR

Town Hall Project-Painting the interior walls this week and working on rear handicapped entrance with the design to be completed in the next couple weeks.

Route 5 Zoning-Meeting notice for after January 1, 2005

Other- nothing

NEW BUSINESS:

Water District 10- Health Dept. Application:

A motion was made by Councilman Chaffee, seconded by Councilman George authorizing the Supervisor to sign the Department of Health application designating Erie County Water Authority as the water supplier for Water District #10 and ordering that plans and specifications be submitted to the Health Department.

(Resolution Attached) Ayes-5 Nays- 0 Carried Unanimously

Adoption- Highway Dept. Union Contract:

A motion was made by Councilman George, seconded by Councilman Finger approving the adoption of the contract between the Town of Newstead and the Teamsters Local Union No.264 on behalf of the full-time employees of the Town Highway Department.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Akron Fire Co.- Approval Tax Exempt Financing:

A motion was made by Councilwoman Glor, seconded by Councilman George approving the use of tax exempt financing by the Akron Fire Co. for a portion of the purchase price on a pumper tanker

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Appropriations- Records Management Grant:

A motion was made by Councilman Finger, seconded by Councilwoman Glor approving the amendment of the adopted 2004 budget authorizing additional appropriations and estimated revenues of \$7,879.00 for the records management grant awarded to the town.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Neg Dec & Site Plan Approval- Bright Meadows:

A motion was made by Councilman Chaffee, seconded by Councilman George issuing a SEQR Negative Declaration on the proposed maintenance building addition at Bright Meadows Golf Course and approving the site plan under all stipulations set forth by the Planning Board.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Stage, Schutt and Scotland Rd Proposal:

A motion was made by Councilman George, seconded by Councilman Chaffee approving the design proposal made by Wendel Engineers for Stage Rd, Schutt Rd and Scotland Rd for \$46,500.

Ayes-5 Nays-0 Carried Unanimously

DWI Contracts Approval:

A motion was made by Councilman Finger, seconded by Councilwoman Glor to approve the DWI Contracts for 2004 and authorizing the Supervisor to sign the necessary paperwork.

Ayes-5 Nays-0 Carried Unanimously

Drescher/Malecki Contract Approval:

A motion was made by Councilwoman Glor, seconded by Councilman Chaffee to approve the contracts for 2005 with the financial firm of Drescher & Malecki and authorizing the Supervisor to sign the necessary contracts for a three-year period for auditing & budget services.

Ayes-5 Nays-0 Carried Unanimously

Other:

Local Law No. 5 of 2004:

A motion was made by Councilman Chaffee, seconded by Councilman George issuing a Determination of Non-Significance of Local Law and adopting Local Law No. 5 of the Year 2004 titled "Amendment to the Sign Law of the Town of Newstead.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Question Period- Robert Scheib questioned fire inspection requirements for schools. Regional Engineer William Pippine responded that New York State inspectors inspect them directly.

There will be a Special Meeting of the Town Board on Monday, December 20, 2004 on the water tank design and water financing issues.

The December 27th regular meeting will be postponed to Tuesday, December 28th at 8:00pm.

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Finger to adjourn the meeting at 9:07 PM

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak,
Town Clerk